

I nvestigations

Procedure

Ethics laws (IC 4-2-6) authorize the Commission to initiate and conduct an investigation into an alleged violation upon its own initiative or upon the written request of the Governor. In addition, the Commission may receive sworn complaints of alleged ethics violations. If a complaint is not dismissed for failing to allege facts sufficient to constitute a code or statutory violation, or for being frivolous or inconsequential, the Commission investigates the complaint.

Alternatively, a complaint may be forwarded to a more appropriate authority or person for investigation. If a complaint is not dismissed or forwarded, the respondent(s) must be notified promptly that a complaint has been filed.

After the Commission conducts an investigation, it determines if there is probable cause to support an alleged violation. If the Commission does not find probable cause, the complaint is dismissed and the person who filed the complaint and the respondent are notified. In such a situation, all information received by the Commission in its investigation remains confidential unless the respondent waives the right to confidentiality and elects to have the records divulged.

If the Commission determines there is probable cause of a violation, the respondent must be notified and a public hearing must be set within sixty days of the determination. The respondent may enter into a settlement concerning the facts and sanction, if the Commission agrees.

After the public hearing or acceptance of an agreed settlement, the Commission must issue a report stating its findings of fact and recommending or imposing sanctions. The Commission may recommend the appointing authority to reprimand, suspend, or dismiss the employee or the Commission may directly impose sanctions of a civil penalty, cancel a contract, or bar a person from contracting with an agency of state government.

The report of the Commission must be sent to the employee, the appointing authority of the employee, and the Governor. The Commission may also forward the report to the prosecuting attorney of a county in which the violation occurred, the State Board of Accounts, the state personnel director, the attorney general, a state officer, or any other appropriate person. The report is available for public inspection and copying.

Case Summaries

During 2002, the State Ethics Commission initiated 24 new cases and resolved six cases through agreed settlements that were pending from previous years. Fourteen of the new cases were initiated by the Commission based on information it had received. Ten were initiated by formal complaints.

In eight investigations initiated in 2002, the Commission found no probable cause and dismissed the cases. Nine of the cases were resolved through agreed settlements and seven were pending as of the beginning of 2003.

Issues Examined in Cases Initiated in 2002

Conflict of Interest	2	Misuse of State Resources/Time	12
Gifts/Favors	2	Moonlighting	1
Travel Rule	0	Post-Employment Restriction	3
Honoraria	1	Political Activity	0
Retaliation	2	Financial Disclosure Violation	1

Penalties Levied in 2002

Civil penalties assessed	\$8,947.47
Amount reimbursed to state	\$22,180.83